



San Diego City Attorney **CASEY GWINN**

MEDIA RELEASE

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SALE OF CITY PROPERTY IS CONSTITUTIONAL

SALE OF MT. SOLEDAD CROSS MET ALL CONSTITUTIONAL REQUIREMENTS

San Diego, CA: San Diego City Attorney Casey Gwinn achieved a significant court victory for the City of San Diego today. In a unanimous decision, the United States Court of Appeals for the Ninth Circuit has found that the sale of approximately ½ acre of land, including the cross, on Mt. Soledad to the Mt. Soledad Memorial Association does not violate either the United States or California Constitutions. Mr. Gwinn personally argued this case to the appellate court, and the court adopted the arguments he put forward. “This is one of the most significant court rulings we have had on any issue in the last five years. It is my earnest hope that the Mt. Soledad controversy is now over,” said City Attorney Gwinn.

The court found that the process used by the City for the bidding and sale of the land and cross, which Mr. Gwinn directed and helped implement, was neutral and did not favor religion or a religious institution. In addition, the court found that the proximity of the now private property to a public park does not violate any constitutional provision because the Association has put up numerous disclaimers. The court held that no reasonable observer would conclude that the City favored religion for that reason, or that the City explicitly or impliedly was endorsing any religion.

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